



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **AOYAMA, Toshiaki**

Serial Number: **10/028,315**

Group Art Unit: **1761**

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Examiner: **PADEN, CAROLYN A**

P.T.O. Confirmation No.: **4757**

For: **A FATS AND OILS COMPOSITION FOR REDUCING LIPIDS IN BLOOD**

**DECLARATION UNDER 37 CFR '1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 30, 2004

Sir:

I, Toshiaki AOYAMA, hereby declare and state that:

(1) I am a Japanese citizen, and I graduated from TOKUSHIMA University in 1985, and received PhD in chemistry in 1997. I have been engaged in research of fats and oils compositions at The Nisshin Oil Co., Ltd., addressing at 23-1, Shinkawa 1-chome, Chuo-ku, Tokyo, 104-8285 Japan, from 2001 to the present.

(2) I am familiar with the contents of United State Patent Application Serial No. 10/028,315, filed on September 28, 2001, and the references cited therein. I am the inventor of the present invention.

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(3) I have studied the contents of the cited reference, United State Patent No. 5,681,608 to Cain.

(4) To show the superiority of the present invention, I have tested the followings:

Test

The example of the present invention, that is "8.O.8" rich triglyceride, was compared with the comparative example, that is "O.8.8" rich triglyceride, in view of the absorption.

Eighteen male F1B hamsters were purchased for this test. All the hamsters were fed a commercially available diet containing 10 mass % of coconut oil and 0.1 mass % of cholesterol for two weeks. After the period of such feeding, they were not fed for one night before bloods were taken from their eyegrounds for measuring a concentration of LDL cholesterol. Then, the hamsters were divided into three groups (1), (2) and (3), each of the groups having six hamsters with similar averages of LDL-cholesterol and weight. Then, the hamsters were fed diets shown in Table 1 for two weeks.

Groups	fed meal
group of control	meal containing 10 mass % of coconut oil and 0.1 mass % of cholesterol

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group rich in "O.8.8"	meal containing 10 mass % of composition (1) and 0.1 mass % of cholesterol
group rich in "8.O.8"	meal containing 10 mass % of composition (2) and 0.1 mass % of cholesterol

The compositions (1) and (2) above were prepared by the same manners as described in the specification at page 16.

For the last three days of the feeding, droppings of the hamsters were collected, which were refrigerated for drying, followed by weighted. Then, thereby dried droppings were milled into powders, which were subjected to a Socks Leigh Method to measure contents of the lipids. Thus, the evacuated amounts of the lipids by the hamsters for the last three days were calculated.

Meanwhile, the fed meals for each of the groups were also refrigerated for drying, followed by subjected to the same method. Thereby, the fed amounts of the lipids to the hamsters for the last three days were calculated.

By subtracting the evacuated amounts from the fed amounts, absorbed amounts by the hamsters were obtained, and then, calculating amounts which were absorbed for one day, showing the results in Table 2.

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Table 2

Groups	Absorption of Triglycerides (%)
Group of Control	97.58
Group Rich in "O.8.8"	97.10
Group Rich in "8.O.8"	97.41

As shown in Table 2, the "8.O.8" rich group absorbs triglycerides as much as the control group, and slightly higher than the "8.8.O" rich group.

(5) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under the laws of the United State and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

*Toshiaki Aoyama*

Toshiaki AOYAMA

March 29, 2004